

# United States District Court

WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

FRANK CANNATA

**FILED**  
U.S. DISTRICT COURT  
W.D. OF NY  
DEC 16 2004

AT \_\_\_\_\_ O'C \_\_\_\_\_ M.  
BY \_\_\_\_\_  
TITLE \_\_\_\_\_

**CRIMINAL COMPLAINT**

CASE NUMBER: 04-M-149

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about December 15, 2004 in Erie County, in the Western District of New York Defendant did, (Track Statutory Language of Offense)

knowingly, intentionally and unlawfully possess 5 grams or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 844(a).

I further state that I am a U.S. Drug Enforcement Special Agent and that this complaint is based on the following facts:

See attached affidavit.

Continued on the attached sheet and made a part hereof: (X) Yes ( ) No

William M. Rodgers  
WILLIAM M. RODGERS, Special Agent  
U.S. Drug Enforcement Administration

Sworn to before me and subscribed in my presence.

December 16, 2004  
Date

at Buffalo, New York  
City and State

HON. H. KENNETH SCHROEDER, JR.  
U.S. MAGISTRATE JUDGE  
Name & Title of Judicial Officer

[Signature]  
Signature of Judicial Officer

**AFFIDAVIT**

State of New York )  
County of Erie ) SS:  
City of Buffalo )

**WILLIAM M. RODGERS**, being duly sworn, deposes and states:

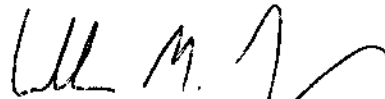
1. I am a special agent of the Drug Enforcement Administration (DEA) of the United States Department of Justice, and have been so employed for approximately seven (7) years. This affidavit is made in support of a Criminal Complaint for **FRANK CANNATA**. I am giving this affidavit in support of an application for a Criminal Complaint against **FRANK CANNATA** for violations related to conspiracy to possess mixtures or substances containing: methamphetamine, a Schedule II controlled substance, and 3,4 methylenedioxymethamphetamine, also known as "MDMA" and "Ecstasy" a Schedule I controlled substance, in violation of Title 21 U.S.C. § 844(a).

2. On December 15, 2004, a Federal Search Warrant was granted for the premises at the residence of Frank Cannata, 63 Barker Street, Apt. 3, Buffalo, New York. At approximately 10:45 p.m., on December 15, 2004, this search warrant was executed by myself and other law enforcement officers. From Cannata's residence, myself and other police agents seized approximately 5

grams of a white crystalline substance which I recognized to be a quantity of a mixture and substance containing a detectable amount of methamphetamine, 14 tablets of of various colors and logos which I recognized to be MDMA (3,4 Methylenedioxymethamphetamine), empty baggies containing residue of suspected narcotics, a glass pipe (stem and bowl), commonly used to smoke methamphetamine. The methamphetamine was field tested and tested positive for presence of amphetamines.


3. When questioned, Cannata stated, in sum and substance, that he is a user of crystal methamphetamine and MDMA.

**WHEREFORE**, based upon the foregoing, your affiant submits that there is probable cause to believe that Frank Cannata possessed methamphetamine, in violation of Title 21, United States Code, Section 844(a).



WILLIAM M. RODGERS, Special Agent  
Drug Enforcement Administration

Sworn to before me this 16th  
day of December, 2004.



Honorable H. Kenneth Schroeder, Jr.  
United States Magistrate Judge.